

RESOLUTION NO. 2004-04-CL

TIPPECANOE COUNTY COUNCIL
CONFIRMATORY RESOLUTION
FOR THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA
APPLICATION OF ADVANCED CONNECTION, INC.

WHEREAS, the Tippecanoe County Council has been requested by the Applicant, Advanced Connection, Inc., to find, pursuant to Indiana Code §6-1.1-12.1-2, that the following described real estate is an Economic Revitalization Area:

Attached as Exhibit A

WHEREAS, on November 13, 2003, the Tippecanoe County Council adopted a Declaratory Resolution for the designation of the real estate described above as an Economic Revitalization Area pursuant to Resolution 2003-31-CL; and

WHEREAS, notice of the adoption and substance of such Declaratory Resolution was published in the Lafayette Journal & Courier and Lafayette Leader pursuant to Indiana Code §6-1.1-12.1 and Indiana Code chapter 5-3-1, such publication being at least ten (10) days before the date set for a public hearing on such resolution; and

WHEREAS, the application for designation, a description of the affected area, a map of the affected area, and all pertinent supporting data were available for public inspection in the office of the Tippecanoe County Assessor and the Tippecanoe County Auditor; and

WHEREAS, the Tippecanoe County Council, following the adoption of the Declaratory Resolution, set a public hearing on the Resolution for 2:00 p.m., on December 9, 2003, at the Tippecanoe County Office Building, Lafayette, Indiana; which hearing was, upon due notice thereof rescheduled to January 13, 2004 at 2:00 p.m.; and

WHEREAS, notice of such public hearing on January 13, 2004 was published in the Journal & Courier and Lafayette Leader in accordance with Indiana Code chapter 5-3-1, such publication being at least ten (10) days before the date set for such public hearing; and

WHEREAS, at such meeting, the Tippecanoe County Council afforded an opportunity to all persons and organizations, including representatives of organizations, to express their views with respect to the proposed designation of the real estate as an Economic Revitalization Area; and

WHEREAS, the Tippecanoe County Council, after conducting such public hearing, has given careful consideration to all comments and views expressed and any evidence presented regarding the designation of such real estate as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED, that after conducting such public hearing, the Tippecanoe County Council confirms certain findings made in the Declaratory Resolution for designation of the real estate described above as an Economic Revitalization Area, and makes certain further findings concerning the period during which the owners of property within the designated area shall be entitled to certain deductions, as follows:

1. The property described in Exhibit A is located within the jurisdiction of Tippecanoe County for purposes of Indiana Code §6-1.1-12.1-1.2.
2. This County Council has determined, based on information provided by the Applicant, that the property has become and remains an area undesirable for, or impossible of, normal development and occupancy because of a cessation of growth, deterioration of improvements, age, obsolescence, and other factors which have impaired values and prevented a normal development of the property.
3. Advanced Connection, Inc., the Applicant, has under consideration the redevelopment and rehabilitation of the real property described in Exhibit A.
4. The proposed projects, through the generation of jobs, will promote normal development and occupancy.
5. The information set forth in the application filed by the Applicant establishes that the subject property complies with the general standards for designation of an Economic Revitalization pursuant to Indiana Code §6-1.1-12.1-2 within the jurisdiction of the Council.
6. The acquisition of the property, the redevelopment or rehabilitation thereof and the improvements to be constructed on the property, would benefit and enhance the welfare of all citizens and taxpayers of Tippecanoe County, and specifically:
 - (1) The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
 - (2) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment and rehabilitation.
 - (3) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
 - (4) The number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, create benefits of the type and quality anticipated by the County Council within the economic revitalization area and can reasonably be expected to result from the proposed described redevelopment or rehabilitation.
 - (5) The totality of benefits is sufficient to justify the deductions.
7. The subject property is zoned I (industrial), according to the Tippecanoe County Zoning maps.
8. The designation of the subject property as an Economic Revitalization Area will assist in the inducement of a project which will provide employment opportunities to residents of Tippecanoe County and will provide long-term benefits to the tax base of Tippecanoe County.
9. No written remonstrance has been filed with the County Council either prior to or during the above-referenced public hearing on the subject application for designation.

10. That Advanced Connection, Inc. should be entitled to the deductions from the increase in assessed value resulting from rehabilitation or development of real estate improvements in such Economic Revitalization Area over a period of ten (10) years in accordance with the percentages provided in Indiana Code §6-1.1-12.1-4(d)(3).

NOW, THEREFORE, BE IT ALSO RESOLVED by the Common Council of Tippecanoe County, Indiana, that the property hereinabove described should be and is hereby declared to be an Economic Revitalization Area as that term is defined in Indiana Code sections 6-1.1-12.1-1 through 6-1.1-12.1-6 from the date that an application is filed by the owner of real estate or new manufacturing equipment located within such area requesting a deduction for assessed value pursuant to either Indiana Code §6-1.1-12.1-5 or 6-1.1-12.1-5.5 through and including December 31, 2013. Provided, however, that the application must be filed within three (3) years from the date of this resolution's passage. This limitation is established pursuant to Indiana Code §6-1.1-12.1-2(h).

BE IT ALSO RESOLVED, that pursuant to Indiana Code §6-1.1-12.1-3(d), Advanced Connection, Inc. shall be entitled to the deductions from the increase in assessed value resulting from rehabilitation or development of real estate improvements in such Economic Revitalization Area over a period of ten (10) years in accordance with the percentages provided in Indiana Code §6-1.1-12.1-4(d)(3).

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the validity or unconstitutionality of this Resolution as a whole or any other part, clause or portion of the Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Tippecanoe County Council does **[confirm] [amend and confirm as so amended]** its Declaratory Resolution approved on November 13, 2003, which designates the real estate described above as an Economic Revitalization Area.

Presented to the County Council of Tippecanoe County, Indiana, and adopted this 13th day of January, 2004.

TIPPECANOE COUNTY COUNCIL

Connie Basham

David S. Byers

Ronald L. Fruitt

Jeffrey A. Kemper

Jeffrey Kessler

ATTEST:

Betty J. Michael

Robert A. Plantenga, Auditor

Kathy Vernon

Exhibit A

DESCRIPTION D.R. 27-25044*

Being a part of Lot 1 in George A. Hamilton's plat of Section 6 in Burnett's Reserve at the Mouth of the Tippecanoe River, Township 24 North, Range, 4 West, Tippecanoe Township, Tippecanoe County, Indiana, being more completely described as follows:

Commencing at the Northeast corner of Burnett's Reserve Section 6, being also the Northwest corner of Lot 1 in George A. Hamilton's plat, being marked by a capped Rebar found; thence South 40°23'45" East along the Northeasterly Line of said Section 6, 1628.86 feet to the Northwesterly boundary of Swisher Road and Point of Beginning; thence the following two, (2) courses along the Northwesterly Right-of-Way of Swisher Road; 1) South 52°45'46" West, 43.13 feet; 2) South 46°28'09" West, 701.34 feet; thence South 40°37'08" East, 92.14 feet to the Centerline of Swisher Road; thence South 49°38'14" West along the Centerline of Swisher Road, 1192.69 feet to the Southeasterly Right-of-Way of the Seaboard System Railroad, formerly L & N Railroad; thence the following four, (4) courses along the Southeasterly Right-of-Way of Seaboard System Railroad; 1) North 14°26'13" East, 1102.93 feet; 2) along a tangent curve to the Right which has a Central Angle of 3°23'00" and a Radius of 5844.59 feet, a Length of 345.14 feet; 3) North 72°10'47" West, 3.50 feet; 4) along a tangent curve to the Right which has a Central Angle of 8°14'27" and a Radius of 5856.73 feet, a Length of 842.37 feet to the Northeasterly Line of said Section 6; thence South 40°23'45" East along said Northeasterly Line of Section 6, 1087.61 feet to the Point of Beginning, containing 27.197 Acres, more or less.

EXCEPT

DESCRIPTION (D.R. 97-26645):

A part of Lot 1 in George A. Hamilton's plat of a part of Section 6 in Burnett's Reserve in Township 24 North, Range 4 West, in Tippecanoe Township, Tippecanoe County, Indiana, and being further described as follows:

Commencing at the Northwest corner of Lot 1, also being the Northeast corner of Section 6 of Burnett's Reserve; thence South 40°23'45" East, along the Northeast line of Section 6 of Burnett's Reserve, a distance of

1628.86 feet to a point on the Westerly Right of-Way line of Swisher Road being marked by a capped rebar stamped "RWG 880043", hereafter referred to as a standard monument; thence South $52^{\circ}45'46''$ West, along said Right-of-Way of Swisher Road, a distance of 4313 feet to a standard monument; thence South $46^{\circ}28'09''$ West, along said Right-of-Way of Swisher Road, a distance of 701.34 feet to a standard monument and the Point of Beginning; thence South $40^{\circ}37'08''$ East, along said Right-of-Way of Swisher Road, a distance of 92.14 feet to a Railroad Spike Set on the centerline of Swisher Road; thence South $49^{\circ}38'14''$ West, along said centerline of Swisher Road, a distance of 1192.69 feet to the Southeasterly Right-of-Way of the L&N Railroad being marked by a Railroad Spike Set; thence North $14^{\circ}26'16''$ East, along said railroad Right-of-Way, a distance of 1102.93 feet to a standard monument and the beginning of a tangent curve to the, right;,, thence Northerly, along said railroad Right-of-Way, on said tangent curve having a radius of 5844.59 feet, a central angle of $3^{\circ}23'00''$, a chord length of 345.09 feet on a bearing of North $16^{\circ}42'34''$ East, and a curve length of 345.14 feet to a standard monument; thence South $40^{\circ}28'13''$ East, a distance of 737.22 feet to the Point of-Beginning, containing 11.459 acres, more or less.